

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MUSTAFA-EL K.A. AJALA,
formerly known as Dennis E. Jones-El,

Plaintiff,

v.

CRAIG TOM and MATTHEW SCULLION,

Defendants.

ORDER

Case No. 13-cv-102-bbc

As directed by this court's order of September 30, 2015, plaintiff Mustafa-El Ajala has submitted a certified copy of his trust fund account statement so that a determination may be made as to whether he is indigent for the purpose of proceeding on appeal without prepayment of the \$505 filing fee and, if so, what amount must be assessed under the 1996 Prison Litigation Reform Act as an initial partial payment of the fee. In the September 30, 2015 order, this court found that plaintiff's appeal is not taken in bad faith and that he is not barred by the three strikes provision of 28 U.S.C. § 1915(g) from proceeding with his appeal without prepayment of the entire filing fee.

From the trust fund account statement plaintiff submitted, I conclude that plaintiff qualifies for indigent status. Further, I assess plaintiff an initial partial payment of the \$505 fee for filing the appeal in the amount of \$2.79.

If plaintiff does not have the money to make the initial partial appeal payment in his regular account, he will have to arrange with prison authorities to pay some or all of the assessment from his release account. The only amount plaintiff must pay at this time is the \$2.79 initial partial appeal payment. Before prison officials take any portion of that amount

from plaintiff's release account, they may first take from plaintiff's regular account whatever amount up to the full amount plaintiff owes.

ORDER

IT IS ORDERED that plaintiff Mustafa-El Ajala's request for leave to proceed without prepayment of the \$505 filing fee on appeal is GRANTED. Plaintiff may have until October 28, 2015, in which to submit a check or money order made payable to the clerk of court in the amount of \$2.79. If, by October 28, 2015, plaintiff fails to pay the initial partial payment or explain his failure to do so, then I will advise the court of appeals of his noncompliance in paying the assessment so that it may take whatever steps it deems appropriate with respect to this appeal.

Further, the clerk of court is requested to insure that the court's financial records reflect plaintiff's obligation to pay the \$2.79 initial partial payment and the remainder of the \$505 fee.

Entered this 9th day of October, 2015.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge